

Overall Federal Lands Transportation Program Funding and Base Funding Amounts

MAP-21: The Department strongly supports funding for the Federal Lands Transportation Program (FLTP) at levels no less than previously authorized to sustain existing programs in the National Park Service (NPS) and U.S. Fish and Wildlife Service (FWS), and to provide adequate new base funding amounts to the Bureau of Land Management (BLM) with its significant access requirements and a modest amount to the Bureau of Reclamation (Reclamation). While each Department bureau continues to monitor its overall maintenance backlog, sustaining and growing the FLTP into the future will greatly assist with managing the needs for roads, bridges, and trails within the Federal estate.

Current law provides base funds to support traditional partner agencies (e.g., USFWS (\$30 M/year), NPS (\$240 M/year) and BIA/Tribal Transportation Program (\$450 M/year), with new partners (BLM, Forest Service, and Army Corps) competing for a modest portion of funding (\$30 M/year).

MAP-21 eliminated the Sarbanes Transit in the Parks Program, which provided additional funds for alternative transportation project implementation. While eligible activities under the Transit in the Parks Program were included in MAP-21's FLTP, the corresponding funding amount (\$25 M/year) was not.

GROW AMERICA ACT: The Administration's FY 2015 budget for the Federal Lands Transportation Program requested a total of \$370 million under the FLTP for allocation to the Federal Lands Management Agencies (FLMAs). Funds are used for projects that improve the condition, safety, and public access on high-priority roads, bridges, trails, and transit systems considered Federal Lands Transportation Facilities¹.

The Grow America Act adds Reclamation as an eligible FLMA, and the funding request combines the four eligible Interior bureaus into one category and requests: \$296 million (80%) of the FLTP program for DOI bureaus including the NPS, FWS, BLM and Reclamation; \$55.5 million (15%) for the Forest Service; and \$18.5 million (5%) for the Army Corps of Engineers.

RATIONALE:

- Access by safe and passable roads and other alternative transportation is essential to host the 417 million annual visitors to parks, refuges, and public lands, which generated an economic output for communities surrounding these areas, of \$45 billion and 372,000 jobs. These benefits and the importance to the State economies were well highlighted during the Federal Government Shutdown.

¹ Federal Lands Transportation Facilities are defined in 23USC 101(a)(8) as means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title and maintenance responsibility is vested in the Federal Government

- The cost of keeping transportation facilities in a state of good repair continues to increase as do our challenges with high levels of visitation and usage. The NPS will be celebrating its Centennial in 2016 and anticipates increased visitation throughout the park system. Approximately one-half of the Department's maintenance backlog is comprised of projects that would be funded through the transportation bill. Authorization of the bill would improve the Department's ability to reduce the backlog of maintenance needs (table below)

(all dollar amounts in thousands)

	Roads, Bridges, and Trails		Other	
	Low	High	Low	High
BLM	532,171	650,431	138,125	168,819
NPS	5,317,264	7,819,507	3,805,418	5,596,202
FWS	747,228	1,098,865	880,445	1,294,771

- Eliminating the competitive requirement for the new partners increases certainty for out-year funding to meet needs. The Department places a priority on obtaining base funding for each of the Department's FLMA's.
- The BLM has proven through its program plan and subsequent results to be a strong and competent partner (similar to the mature NPS and FWS programs), which requires a stable and predictable level of annual funding. An adequately funded transportation program would allow the BLM to coordinate and plan with partners and leverage matching funds to develop and deliver the best possible projects..
- BLM, as a newly recognized core partner, should be treated similar to traditional partner agencies and not be limited to competitive funding opportunities. More than 64 million people live within 100 miles of BLM managed lands, and these lands serve as a significant source of recreation, provide access to important natural and cultural resources, and sustain traditional uses such as grazing and ranching.

Environmental Mitigation Cap

MAP-21: Current law, (Title 23, section (a)(1)(D)), challenges and erodes the Secretary of the Interior's jurisdictional duties and responsibilities for the care and stewardship of America's natural and cultural treasured resources within the boundaries of the Federal estate under the Secretary of the Interior's jurisdiction.

GROW AMERICA ACT: Eliminates the limitations on the use of FLTP funds for environmental mitigation.

RATIONALE:

- The Department supports eliminating this cap to arbitrarily restrict (without justification from scientific or other analytical data) the options available for mitigation of environmental impacts, impeding the bureaus' ability to mitigate transportation and transportation construction impacts on the ecosystem.
- For example: [Tamiami Trail](#)
Currently, an extensive road corridor is restricting the free flow of water, acting as a dam blocking the natural flow of water and aquatic organism passage. The road must be rehabilitated with bridges in key locations to allow the free flow of water, restoring the health and vitality of the fragile ecosystems throughout the everglades.

5% Planning Cap - Title 23, section 201 (c)(7)

MAP-21: Now, as more FLMAs are poised to begin implementing the use of these tools to inform decision making and to measure the results, current law restricts the amount of program funds that may be spent on program planning, data collection, and management system development to 5% of appropriated program funds.

GROW AMERICA Act: Revises current limitations on the use of FLTP funds for planning to include specifics on the aggregation of funds, what is eligible, and what agencies are eligible to receive Planning set-aside funds from off-the-top of the FLTP. The bill also specifies that base FLTP program funding may be used to fund planning items beyond the 5% cap limitation.

RATIONALE:

- For years, some agencies have strived to implement analytical, data informed decision making, long-range transportation planning and program accountability through performance measures. The GROW AMERICA Act provides flexibility for FLMAs to prioritize and use additional authorized funds where appropriate to continue these approaches.
- These data collection programs, management systems and planning are required by law, as an integral and fundamental requirement of a performance-based program. Any cap restricts and handicaps the FLMAs from fully developing and implementing management systems. For example: this cap is currently slowing the development and implementation of the NPS Safety and Congestion management systems.
- Failure to gather infrastructure data in performance areas such as bridges could eventually lead to massive structure failures of some bridges, such as was experienced in Minnesota in 2007.

Nationally Significant Federal Lands and Tribal Projects

MAP-21: Current law does not provide resources for the needed construction or reconstruction of large, nationally significant transportation infrastructure within or accessing Federal or Tribal Lands.

GROW AMERICA Act: Includes the creation of a Nationally Significant Federal Lands and Tribal Projects program (NSFLTP). This element is included in Section 2008 of GROW AMERICA. Section 2008 defines the eligible applicants as well as projects that qualify under the program. Sec. 2008 (f) defines project selection criteria.

RATIONALE:

- Examples of such projects include the Arlington Memorial Bridge in Washington, DC (NPS), Tamiami Trail (US Highway 41) near Everglades National Park, and the Manassas National Battlefield bypass in Virginia.
- Funding projects of the magnitude of the Memorial Bridge, estimated at \$128 million, would require the deferral of many other projects in the NPS's National Capital Region for years, during which time Memorial bridge would continue to deteriorate even further, resulting in higher repair and replacement costs.
- The Tamiami Trail project, estimated at approximately \$193 million, is necessary to reestablish more natural and increased water flow to Everglades National Park, a key requirement for Everglades restoration. The current roadway limits water flow and separates the remaining natural Everglades, including Everglades National Park, south of the roadway, and the state-managed water conservation areas north of the roadway. The Tamiami Trail project is a high priority for NPS. In FY 2014, Congress provided \$7.5 million for Tamiami Trail bridging through the NPS Construction appropriation and the State of Florida has committed to match federal funds for this project, up to \$90 million over three years. There is no discretionary funding requested for this project in the FY 2015 President's Request.

Mandatory Sidepath Provision

MAP-21: 23 U.S.C. 203(d), as amended by MAP-21. *“The Secretary of the appropriate Federal land management agency (FLMA) shall prohibit the use of bicycles on all federally owned roads that have a speed limit of 30 miles per hour or greater and an adjacent paved path for use by bicycles within 100 yards of the road unless the Secretary determines that the bicycle level of service (BLOS) on that roadway is rated B or higher. National Park Service, U.S. Fish and Wildlife Service, U.S.D.A. Forest Service, Bureau of Land Management and U.S. Army Corps of Engineers are the affected agencies.”*

GROW AMERICA Act: Repeals section 203 (d) of Title 23

RATIONALE:

- Although seemingly straight forward, this provision is not founded on sound engineering and science or documented traffic safety problems associated with bicycling on Federal land roadways. In many cases, this situation needs to be handled on a case-by-case investigation by a professional traffic safety engineer. One solution fits all approach could lead to greater public safety problem.
- The current BLOS guidance does not translate easily to the roadway conditions found in most Federal lands. A BLOS specifically applicable to Federal lands would have to be researched and vetted.
- The law includes no standards to ensure that the adjacent paved path can safely accommodate the proposed bicycle use and other path users (e.g., pedestrians).

Tribal Transportation Program Funding

MAP-21: The program funding remained the same as funding as the last year of SAFETEA-LU. The Department supports as the prime objective of the Tribal Transportation Program (TTP) is to contribute to the economic development, self-determination, and employment of tribal members. Funds are allocated among Tribes using a new statutory formula based on tribal population, road mileage and average tribal shares of the former Tribal Transportation Allocation Methodology formula. MAP-21 included a set-aside for tribal safety and increased the amount of funds available for TTP facility maintenance.

GROW AMERICA ACT: The Administration's FY 2015 budget for the TTP requested a total of \$507 million for allocation to tribes. Funds are used for allowable transportation related activities that improve the condition, safety, and public access to roads, bridges, trails, and transit systems considered Tribal Transportation Facilities².

The funding request in addition to the funding formula that calculates tribal shares it also considers the following program activities from the funds made available: 6% for administrative expenses; 3% for planning; 4% for tribal transportation facility bridges; 2% for safety projects; and 7% for tribal high priority projects. The tribal high priority projects was moved to a general fund category under MAP-21, while the GROW AMERICA Act will fund these projects through the allocations under 23 USC 202(b).

RATIONALE:

- The backlog of need for the TTP exceeds \$70 Billion for all eligible facilities. Approximately 22,200 miles (75 percent) of the BIA system roads are not paved and are considered "inadequate" based on the level of service index used to assess roads and bridges in the BIA road system. The FY2013 deferred maintenance for BIA roads was estimated at \$280 million.
- Recent inventory of TTP facilities shows approximately 11 billion vehicle miles traveled annually. Visitation to Indian country by international tourist has been evidence by increase interest at both national and international trade shows.
- The number of deficient bridges that are TTP facilities (~6,800) continues to remain around 25% nationwide or about 1,700. An increased set-aside for replacement and rehabilitation of deficient bridges is needed.

² Tribal Transportation Facilities are defined in 23USC 101(a)(31) means a public highway, road, bridge, trail, or transit system that is located on, or provides access to tribal land and appears on the national tribal transportation facility inventory described in section 202(b)(1).

IMPROVING COLLABORATION FOR ACCELERATED DECISION MAKING

MAP-21: Section 1306 of MAP-21 created financial penalties for agencies with jurisdiction if they fail to render a decision within 180-days of either the issuance of a Record of Decision or a Finding of No Significant Impact or their receipt of a complete application, whichever occurs last.

GROW AMERICA ACT: Would amend this requirement by tying the financial penalties to an agreed upon schedule such as that described in section 1309 of MAP-21. Instead of financial penalties accruing on the 181st day, the financial penalties would be assessed only if a decision was not reached within 30 days of the target date identified in an agreed upon schedule. However, if no schedule exists, the existing 180-day deadline would still apply.

RATIONALE:

- The majority of transportation project delays are caused by the degree of complexity of the project, lack of local support, lack of funding, or low priority – not by environmental reviews.
- Transportation projects affect communities in different ways: some are benign, some cause significant impacts to neighborhoods, natural resources, historic resources, and other values citizens hold dear.
- The NEPA process is a way to bring consideration of all of those potential impacts into a public forum. Citizens and agencies that care about those resources use the NEPA process to ensure full public disclosure of proposed project impacts.
- The sufficiency of the information submitted by the lead agency directly impacts the timeliness of the environmental review process.
- A deadline can only be met if the lead agency fulfills its obligations under NEPA and submits sufficient information in a way that permitting agencies such as the Service can accurately conduct a review and ensure compliance with Federal laws and regulations.

SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES

MAP-21: Does not address this issue.

GROW AMERICA ACT: SEC. 1005 would direct the DOT, in coordination with DOI and ACHP, to develop procedures to align Section 4(f) and 106 reviews within 90 days of enactment. It also provides an optional review path under which an early determination could be made that no avoidance alternative exists and with concurrence from DOI, the SHPO or THPO and ACHP, no further analysis or justification would be required. Such determinations would be made available to the public on a Federal website within three days. If no further avoidance is required, the DOT may then notify the affected agencies that analysis under 106 will satisfy 4(f) and provide the affected agencies an opportunity to review and approve the use of the 106 document to satisfy the remaining conditions of 4(f). The availability of this optional review process would not preclude DOT from using existing procedures for 4(f) and 106 reviews.

RATIONALE:

- Aligning the Section 4(f) and 106 process is essential to achieving efficiency in reviews for historic sites while continuing to provide important protection for cultural resources including mitigation potential impacts.